

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

VS

JOSE ARIEL CRUZ RIVERA
Co-Defendant

Case No.: 98-CR-223-01 (PG)
00-CR-098-01(PG)

Motion Requesting Order

TO THE HONORABLE COURT:

NOW COMES the United States of America, represented through the undersigned attorneys and respectfully states and prays as follows:

1. On December 3, 2002, a judgment in the instant criminal case was obtained against the Defendant Jose Ariel Cruz Rivera.
2. The Court imposed an imprisonment term of five hundred sixteen (516) months and a supervised release term of five (5) years.
3. In addition to the above stated, the Defendant was ordered to pay a Special Monetary Assessment of \$200.00 and a Restitution of \$17,700.00 to be paid immediately.
4. The above Defendant is presently participating in the prison's "Inmate Responsibility Program". As a result, the Defendant causes to send on a monthly basis through the U.S. Bureau of Prisons electronically or otherwise, a check in the amount of \$25.00 payable to the Clerk/U.S. District Court for this district to be deposited in the Clerk's Office for the benefit of the victim . Then the Finance Division of the Clerk's Office for this district prepares another check, for the same

amount, payable to the victim and sends it to the U.S. Attorney's Office so that it can be sent, in turn, to the victim.

5. That the undersigned wishes for an order redirecting, and in so doing partially modifying the judgment, so that the payments received at the Clerk's Office be sent directly to the victim, by the Finance Division of the Clerk's office.

6. The above request will be consonant with the directive stated at 18 U.S.C. section 3611 which reads as follows:

"3611. Payment of a fine or restitution

A person who is sentenced to pay a fine, assessment, or restitution shall pay the fine, assessment, or restitution (including any interest or penalty), as specified by the Director of the Administrative Office of the United States courts. Such Director may specify that such payment be made to the clerk of the court or in the manner provided for under section 604(a)(18) of title 28, United States Code."

7. In addition, pursuant to 18 U.S.C. § 3612(a), "...the clerk or the person designated under section 604(a)(18) of title 28 shall notify the Attorney General of each receipt of a payment with respect to which a certification is made under subsection (b), together with other appropriate information relating to such payment..."

8. Thus, consonant with the above established directive, the Clerk's Finance Division - whenever a payment is received by the Clerk's Office, makes the required disbursement to the victims; and, on a monthly basis, sends a report to the U.S. Attorney's Office of the payments received on behalf of the victim. Said procedure, allows the US. Attorney to monitor and enforce the collection of the judgments.

WHEREFORE, in the economy of justice, the governments prays to this Honorable Court

to partially modify the judgment (which presently indicates that payment of restitution is to be made directly to the U.S. Attorney for transfer to the victim) through the issuance of an order so that the Finance Division of the U.S. Clerk's Office be allowed to disburse directly to the victims the restitution payments made by the defendant, in accordance with all the above provisions of law.

CERTIFICATE OF SERVICE: I hereby certify that on this date the present document was filed, via CM/ECF, and which will automatically notify the Defendant's attorney and any other interested party.

RESPECTFULLY SUBMITTED.

At San Juan, Puerto Rico this 4 day of March, 2008.

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UNITED STATES ATTORNEY

s/ Rebecca Vargas-Vera
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